

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Thilo LEINEWEBER et al.  
Appl. Serial No. : 10/797,680  
Filing Date : March 9, 2004  
For : METHOD AND DEVICE FOR CONTROLLING THE  
SPEED OF A MOTOR VEHICLE  
Group Art Unit : 3664  
Examiner : Nicholas KISWANTO  
Confirmation No. : 4908  
Customer No. : 26646

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on **April 2, 2009**.

Signature: /Wendy Espinal/  
Wendy Espinal

**REPLY UNDER 37 C.F.R. § 1.116**

S I R:

In response to the Final Office Action mailed on February 2, 2009 (the three-month response date for which is May 2, 2009), please reconsider the above-identified application based on the following:

**A Listing of the Claims** begins on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

While no fee is believed to be due, the Commissioner is authorized, as appropriate and/or necessary, to charge any fees (including any Rule 136(a) extension fees) or credit any overpayment to Deposit Account No. **11-0600** of Kenyon & Kenyon LLP.

## **LISTING OF CLAIMS:**

1. (Previously Presented) A device for controlling a speed of a motor vehicle in terms of one of (a) a constant distance control in the case that at least one preceding vehicle is detected by a radar sensor and (b) a constant speed control in the case that no preceding vehicle is detected by a radar sensor, the device comprising:

an arrangement for allowing a distance to a preceding vehicle to be set by a driver of the vehicle in the form of a time gap;

an arrangement for changing longitudinal dynamics of the speed control when the time gap changes;

an arrangement for increasing, given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap; and

an arrangement for first activating, given the decrease in the time gap, deceleration devices of the vehicle at a shorter distance from the preceding vehicle.

2. (Original) The device according to claim 1, wherein a change in the time gap allows different driving programs to be selected.

3. (Canceled)

4. (Canceled)

5. (Previously Presented) A method for controlling a speed of a motor vehicle in terms of one of (a) a constant distance control in the case that at least one preceding vehicle is detected by a radar sensor and (b) a constant speed control in the case that no preceding vehicle is detected by a radar sensor, the method comprising:

setting a distance to a preceding vehicle by a driver of the vehicle in the form of a time gap;

changing longitudinal dynamics of the speed control when the time gap changes;

increasing, given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap; and

first activating, given the decrease in the time gap, deceleration devices of the vehicle at a shorter distance from the preceding vehicle.

### **REMARKS**

Claims 1, 2 and 5 are pending and being considered. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Claims 1, 2 and 5 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,434,471 (“Asada et al.”).

Claim 1 recites, inter alia, the following:

an arrangement for **increasing, given a decrease in the time gap, at least one of a maximum possible vehicle acceleration and a maximum possible vehicle deceleration implementable by a speed control system** so that the vehicle is capable of at least one of accelerating and decelerating more quickly given the decrease in the time gap.

As regards this feature, the Examiner relies on col. 5, line 40 to col. 6, line 4 of Asada et al. However, this section of Asada et al. does not identically disclose, or even suggest, increasing a maximum possible vehicle acceleration or a maximum possible vehicle deceleration implementable by a speed control system. Instead, Asada et al. explicitly states that “the vehicle speed control section 23 limits the acceleration to a predetermined maximum acceleration  $a_{max}$  which, in this example, is equal to 0.06 G” and nowhere does Asada et al. indicate changing this predetermined maximum value. (Asada et al., col. 5, lines 57 to 59 (emphasis added)). Thus, the maximum acceleration of Asada et al. is predetermined, and is not increased, given a decrease in the time gap.

The Final Office Action at page 4 asserts that col. 5, lines 53 to 57 of Asada et al. “teaches increasing a maximum possible acceleration given a decrease in the time gap.” However, in the context of the example of Asada et al. described in col. 5, lines 38 to 64, the cited section merely refers to the time rate of change of the desired time gap, i.e., the cited section merely indicates how quickly the actual time gap is increased/decreased upon setting a desired time gap, in order to match the actual time gap to the desired time gap. However, nowhere does this cited section refer to increasing a maximum possible vehicle acceleration or deceleration. In this regard, as more fully set forth above, Asada et al. plainly indicates a predetermined maximum acceleration that limits acceleration regardless of the actual or desired time gap.

Further, Asada et al. specifically teaches away from increasing a maximum possible vehicle acceleration or a maximum possible vehicle deceleration because it seeks to prevent “unwanted and uncomfortable acceleration or deceleration.” (Asada et al., col. 1, lines 19 to 20).

Claim 1 also recites, inter alia, the following:

an arrangement for **first activating, given the decrease in the time gap, deceleration devices of the vehicle at a shorter distance from the preceding vehicle.**

As regards this feature, the Examiner also relies on col. 5, line 40 to col. 6, line 4 of Asada et al. However, this section of Asada et al. does not identically disclose, or even suggest, first activating, given the decrease in the time gap, deceleration devices at a shorter distance from the preceding vehicle. Nowhere does Asada et al. even refer to first activating deceleration devices at a shorter distance from the preceding vehicle. Instead, Asada et al. merely indicates “decelerat[ing] the vehicle gradually and increas[ing] the vehicle spacing gradually.” (Asada et al., col. 6, lines 3 to 4 (emphasis added)).

The Final Office Action at page 4 asserts that col. 5, lines 53 to 57 of Asada et al. “teaches ... activating deceleration devices of the vehicle at a shorter distance from the preceding vehicle.” However, as more fully set forth above, the cited section merely indicates how quickly the actual time gap is increased/decreased upon setting a desired time gap, in order to match the actual time gap to the desired time gap. However, nowhere does this cited section refer to first activating deceleration devices at a shorter distance. In this regard, as more fully set forth above, Asada et al. plainly indicates gradually increasing/decreasing vehicle spacing.

Further, as more fully set forth above, Asada et al. also teaches away from first activating deceleration devices at a shorter distance from the preceding vehicle because it seeks to prevent “unwanted and uncomfortable acceleration or deceleration.” (Asada et al., col. 1, lines 19 to 20).

In view of the foregoing, it is submitted that Asada et al. does not anticipate claim 1. Thus, claim 1 should be allowed.

Claim 5 recites features generally analogous to claim 1 and therefore is allowable for at least the similar reasons

Claim 2 depends from claim 1, and is therefore allowable for generally the same reasons, as discussed above.

In sum, for at least the reasons stated above, claims 1, 2 and 5 are allowable.

**Conclusion**

In view of the foregoing, it is believed that the rejections have been obviated, and that pending and considered claims are therefore allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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By: /Michelle M. Carniaux/  
Michelle M. Carniaux, Reg. No. 36,098  
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288  
**CUSTOMER NO. 26646**